

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN
DISTRICT OF MASSACHUSETTS

In Re:)
)
)

Barry Wisner Chapin,)

Debtor)
_____)

Chapter 7
Case No. 20-10324-JEB

RESPONSE TO MOTION FOR SALE OF PROPERTY
FREE AND CLEAR OF LIENS UNDER § 363(f)

Now comes the Carlton Gardens Condominium Trust (the “Trust”), a secured statutory lien creditor in the above-captioned proceeding, in response to the Motion for Sale of Property filed by Trustee Harold B. Murphy, and states as follows:

1. The Trust is the holder of a lien on the unit pursuant to M.G.L. c. 183A, s. 6 and M.G.L. c. 254, s. 5 and 5A.
2. As a secured lienholder, the Trust is entitled to such portion of the proceeds as would pay its lien in full.
3. A portion of the Trust’s lien—the priority portion—is ahead of the lien held by Freedom Financial Corporation, the first mortgagee.
4. A payoff of the amount due and owing to the Trust can be furnished on demand.
5. The Trust is aware of the Chapter 7 Trustee’s desire to marshal the assets of the Debtor and, in particular, to resolve issues concerning the claims of the Internal Revenue Service and Massachusetts Department of Revenue having duplicative liens on multiple properties owned by the Debtor.

6. Once the claims are appropriately determined, the Trust is entitled to proceeds of the sale.

WHEREFORE, the Trust does not object to sale of the subject property, but states its demand for proceeds of the sale to satisfy lien.

Respectfully submitted,
CARLTON GARDENS
CONDOMINIUM TRUST

By its attorneys,

Dated: June 26, 2020

/s/ Dean T. Lennon
Dean T. Lennon
Marcus, Errico, Emmer & Brooks, P.C.
45 Braintree Hill Park, Suite 107
Braintree, Massachusetts 02184
Telephone: (781) 843-5000
BBO #668031

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CERTIFICATE OF SERVICE

I, Dean T. Lennon, hereby certify on this 26th day of June, 2020, a true and correct copy of the foregoing RESPONSE OF THE CARLTON GARDENS CONDOMINIUM TRUST TO MOTION FOR SALE OF PROPERTY, by causing same to be electronically filed with the Court, and by causing a copy to be mailed first class, postage prepaid, to any of the parties listed on the attached Service List, not noted as having received electronic service.

/s/ Dean T. Lennon
Dean T. Lennon, BBO #668031
Marcus, Errico, Emmer & Brooks, P.C.
45 Braintree Hill Park, Suite 107
Braintree, Massachusetts 02184
Telephone: (781) 843-5000

SERVICE LIST

Barry Wisner Chapin
34 Farfield Apt. 2
Boston, MA 02116
(Debtor)

David G. Baker
236 Huntington Avenue, Ste. 317
Boston, MA 02115
(617) 340-3680
(Debtor counsel)

Harold B. Murphy
Murphy & King, P.C.
One Beacon Street
Boston, MA 02108-3107
(Chapter 7 Trustee)

U.S. Trustee's Office
J.W. McCormack Post Office & Courthouse
5 Post Office Sq., 10th Fl, Suite 1000
Boston, MA 02109

Freedom Mortgage Corporation
907 Pleasant Valley Avenue
Mount Laurel, NJ 08054
Attn: Stanley Middleman, President

Town of Westborough
Tax Collector
34 W. Main Street
Westborough, MA 01581

Internal Revenue Service Lien
Attn: IRS Advisory Group
7940 Kentucky Drive Stop 2850F
Florence, KY 41042

Massachusetts Department of Revenue Lien
Child Support Enforcement Division
100 Cambridge Street
Boston, MA 02114

David M. Ferris
325 Donald Lynch Blvd., Suite 200
Marlborough, MA 01752

